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Situation of human rights in Afghanistan

Note by the Secretary-General*

The Secretary-General has the honour to transmit to the members of the General Assembly a brief interim report on the situation of human rights in Afghanistan prepared by Kamal Hossain, Special Rapporteur of the Commission on Human Rights, in accordance with Commission on Human Rights resolution 2001/13 of 18 April 2001 and Economic and Social Council decision 2001/249 of 24 July 2001.

* In accordance with section C, paragraph 1, of General Assembly resolution 54/248, the present report is being submitted on 26 September 2001, so as to take into account the Economic and Social Council mandate and as much updated information as possible.

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Interim report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan

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I. Introduction

1. This is the sixth report of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Afghanistan. The first three reports (E/CN.4/1999/40, A/54/422 and E/CN.4/2000/33) were submitted following visits to Kabul and Kandahar, and to Islamabad, Peshawar and Quetta, where Afghan refugee groups were interviewed. The fourth report (A/55/346) was submitted following a visit to the Islamic Republic of Iran where Afghan refugees in Mashhad and Tehran were interviewed. The fifth report (E/CN.4/2001/43 and Add.1) was presented to the Commission following a visit to Pakistan in March 2001, where refugees and other persons conversant with the facts were interviewed in Peshawar and Islamabad. The Special Rapporteur had proposed a visit to Afghanistan in September 2000 and thereafter renewed his request for a visit in January 2001, but the Taliban authorities replied that they were not able to receive him because of their urgent preoccupations. In the course of his visit to Pakistan in March 2001, the Special Rapporteur met with the Taliban Ambassador to Pakistan, Mullah Abdul Salam Zaeef, and renewed his request for visiting Afghanistan. The Ambassador indicated that a visa may be issued for Kabul, but that access to Bamyan would not be possible. The Special Rapporteur addressed a request for a visit in July but received no response.

2. The Special Rapporteur had visited Pakistan on an emergency basis following reports of gross violations of human rights and breaches of international humanitarian law, including summary execution of civilians, allegedly committed in the course of resumed conflict, in particular in Hazarajat. There had also been reports of increased flows of refugees into Pakistan and in the Islamic Republic of Iran, resulting in the deepening of the humanitarian crisis. The addendum to the fifth report had recorded mounting concern with regard to reports of summary executions, reprisal killings and massacres in recent years, as a result of continued conflict and the taking and retaking of particular areas by warring parties.

3. A recurrent pattern is manifest from the (not exhaustive) list of such occurrences reported over the past four-year period, as follows: Mazar-i-Sharif/ Dasht-i-Laili (Shebergan) in May 1997; Mazar-i-Sharif Airport (Qezelabad) in September 1997; Qaysar in December 1997; Mazar-i-Sharif in August 1998; Kayan valley in August 1998; Bamyan in May 1999; Shamali plains in August 1999; Khwaja Ghar in Takhar province in September 1999; Ghosfandi in Sar-i-Pul province in January 2000; Robatak in Samangan province in May 2000; Taloqan in Takhar province in September 2000; Yakawlang in Bamyan province in January 2001; Khwaja Ghar in Takhar province in January 2001; and Bamyan in February 2001.

4. The reports of summary executions carried out in Yakawlang in January 2001, for which reliable reports, including statements of many eyewitnesses, were available prompted the recommendation that a more thorough investigation be undertaken to gather evidence to establish the exact circumstances in which civilians had been detained and executed, as well as to identify those responsible for such breaches of international humanitarian law. While the follow-up investigation was under way, there were reports of further summary executions in Yakawlang in May and June 2001. A substantial body of evidence having now been gathered from reliable sources on the latest massacres in and around Yakawlang, the present report presents, in part III, a summary of the preliminary findings.

5. Part II of the report contains a review of developments in Afghanistan from March to August 2001, including continuing efforts to promote peace, the military situation and other developments related to Afghanistan. Part III deals with serious violations of human rights and breaches of international humanitarian law arising out of the armed conflict. Part IV deals with the deepening humanitarian crisis, deprivation of economic and social rights and the need for increased humanitarian assistance. Part V contains concluding observations.

II. Recent developments in Afghanistan

A. Visit of the Secretary-General

6. The Secretary-General visited Pakistan in March 2001 as part of a tour of the south Asian region, during which he discussed aspects of the situation in Afghanistan with the President, the Chief Executive and the Foreign Minister. He also met the Taliban Foreign Minister, Wakil Ahmad Mutawakkil. He met Afghan refugees at the Shamshatoo refugee camp near

Peshawar, but was unable to visit the Jalozai camp. While expressing the international community's appreciation to Pakistan for having hosted millions of Afghan refugees over the past two decades, the Secretary-General appealed that those Afghans who had recently entered Pakistan be allowed to remain and secured the agreement that Pakistan would facilitate provision of immediate relief assistance to the nearly 80,000 refugees at the Jalozai camp. For its part, the United Nations, it was assured, would redouble its efforts to provide assistance to Afghans inside Afghanistan in order to discourage further outflows.

7. In his meeting with Mr. Mutawakkil, the Secretary-General impressed upon the Foreign Minister the importance of the Taliban respecting the terms of the written agreement arrived at on 2 November 2000, whereby the two parties to the conflict agreed to pursue a process of dialogue under the auspices of the Secretary-General from which neither side would unilaterally withdraw until all the items on its agenda were exhausted. The Secretary-General urged the Taliban to reconsider its decision to reject the mediating role of the United Nations, taken following the imposition of sanctions. The Secretary-General stressed that only through the United Nations could a comprehensive political solution be reached. He also dealt with the issue of the imminent destruction of all statues, including the historic Bamyan Buddha statues, following an order of the head of the Taliban movement, Mullah Mohammad Omar, based on a fatwa (edict) by Afghan ulemas. It had been urged that the implementation of the order be halted, at least temporarily, until a group of international Islamic scholars could confer with the Afghan ulemas and also explore various alternatives for removing the statues for safekeeping outside Afghanistan. Mr. Mutawakkil, however, indicated that this was a domestic issue based purely on Islamic principles, and ignored the opinion of other Muslim States and that of the Mufti of the Republic of Egypt, who had travelled to Kandahar in connection with this issue.

B. Activities of the United Nations Special Mission to Afghanistan

8. The Personal Representative of the Secretary-General for Afghanistan and head of the United Nations Special Mission to Afghanistan (UNSMA) had several meetings with the Afghan warring sides, with whom he pursued a possible agenda that could be finalized for a dialogue envisaged in the 2 November 2000 agreement. The Taliban, however, informed him that, in view of the imminent adoption by the Security Council of new sanctions against the Taliban, it could no longer accept the United Nations as an impartial broker and would therefore not be willing to engage in dialogue under United Nations auspices. It indicated that it might accept an invitation from the Government of Uzbekistan in late January for a meeting of the two sides, but only if the United Nations were excluded. The Uzbek Government declined to proceed on that basis. The United Front, however, continued to regard it as essential for any dialogue with the Taliban to be held in the presence of the Personal Representative of the Secretary-General.

C. Discussions with the Afghan warring sides

9. The discussions with both sides were in-depth and far-ranging and covered the military situation on the ground, prospects for a ceasefire and a political settlement, the role of the United Nations in future negotiations, human rights-related issues, the relations of the two warring sides with neighbouring and other countries, the sanctions adopted by the Security Council, their respective political programmes and their vision of how the Afghan conflict might be settled and their reaction to proposals for the convening of an extraordinary Loya Jirga and the role of the former king in contacts with non-warring Afghan groups abroad.

10. No talks, direct or indirect, have taken place between the two sides during the period under review. The Taliban has persisted in its refusal to carry out the written agreement of 2 November 2000 to start a process of dialogue with the United Front, citing what it considers to be a lack of impartiality by the United Nations in the adoption by the Security Council of resolution 1333 (2000). The Taliban also refused an invitation by the Government of Japan for the two warring sides to visit Tokyo in May on the ground that the Personal Representative of the Secretary-General would be represented at that meeting.

D. Discussions with non-belligerent Afghans

11. The Personal Representative continued to engage in intensive dialogue with relevant Afghan personalities and non-belligerent groups outside Afghanistan which support the convening of a special Loya Jirga. On 16 May 2001, he met with the former king Mohammad Zaher Shah, and with members of the Rome Process Executive Committee.

E. Contact with concerned Governments

12. During the period under review, the Personal Representative visited Kazakhstan, Turkmenistan, the Islamic Republic of Iran and held discussions with senior officials in Britain, France, Germany and the United States of America.

F. Status of the United Nations Special Mission to Afghanistan

13. The Civil Affairs Unit continued its efforts to promote peace and human rights awareness in Afghanistan by conducting a regular dialogue with the political authorities and observing political, human rights, social and economic trends in the country. The Taliban threatened to close UNSMA offices in Afghanistan at the time of the imposition of sanctions. Following a discussion between the Personal Representative and Mr. Mutawakkil, the Unit remained active in five major urban centres, namely, Kabul, Jalalabad, Mazar-i-Sharif, Herat and Kandahar, in addition to Faizabad (which is under the control of the United Front).

14. Since mid-May, the Mission's presence in Taliban-held territory has been confined to Kabul following a formal Taliban request in late April for the early closure of all UNSMA offices, apparently in retaliation for the formal closure of the Taliban office in New York. While the Permanent Representative had received assurances from the Taliban authorities that UNSMA would be able to resume its functions, their subsequent action belied this expectation. The UNSMA office in Kabul remains operational, staffed by a political officer and two civil affairs officers. The civil affairs officers in Herat, Jalalabad, Kandahar and Mazar-i-Sharif have been relocated to Islamabad, where they conduct regular visits to Peshawar and Quetta, where there are large concentrations of Afghans and to United Front areas in the north-east. A suboffice has been established in the Panjshir valley.

G. Other developments

15. In April 2001, the Taliban dismissed approximately 9,000 civil servants, allegedly on suspicion of their having been associated with the Najibullah Government.

16. On 16 April, the Taliban head of the Council of Ministers, Mullah Mohammad Rabbani, considered second in standing to Mullah Omar, died after a long illness in Islamabad.

17. In May, a Taliban media report quoted the Minister for the Promotion of Virtue and the Eradication of Vice to the effect that the Taliban was considering making non-Muslim citizens wear identity labels on their clothing to distinguish them from Muslims and thus prevent them from being unnecessarily harassed by the Vice and Virtue squads who regularly sought to ensure that men kept their beards untrimmed and attended mosque at prayer times.

18. In pursuit of the Taliban's declared policy of Islamization, the curriculum for the new school year reflected an increase in Islamic-related subjects. In July, the Taliban banned the use of the Internet and the importation of 30 items including musical instruments, chessboards, playing cards, tapes, nail polish and neckties.

19. The United Nations High Commissioner for Refugees visited Afghanistan, the Islamic Republic of Iran and Pakistan. He met the President of the Islamic State of Afghanistan and the Taliban Foreign Minister, and proposed a six-month humanitarian ceasefire. His proposal was welcomed by Professor Rabbani, but rejected by the Taliban.

20. On 4 May, a bomb exploded in a local mosque in Herat, killing a dissident Sunni Iranian cleric and several other civilians. This was followed by an attack by a group of locals against the Iranian Consulate General in the city. The Consulate was ransacked and its personnel evacuated.

21. During the reporting period, Zaher Shah, the former king of Afghanistan, sent delegations to the

Russian Federation, the United Kingdom and the United States. In mid-June, the United States State Department released a poll of some 5,000 Afghans from 27 provinces of Afghanistan, in which reportedly 50 per cent expressed the view that Zaher Shah was the leader who could most successfully address the problems facing Afghanistan at present. The other Afghan personalities in the questionnaire scored 11 per cent or below.

H. International developments related to Afghanistan

22. The situation in Afghanistan was the subject of high-level contacts among Governments throughout the period. In late April, in official talks between the Islamic Republic of Iran and Pakistan, both Governments agreed that there was no military solution to the Afghan conflict and that the two warring sides should come together to establish a broad-based government in Afghanistan.

23. In their 15 June declaration on the establishment of the Shanghai Cooperation Organization, the Presidents of China, Kazakhstan, Kyrgyzstan, the Russian Federation, Tajikistan and Uzbekistan agreed to cooperate closely in the implementation of the Shanghai Convention on Combating Terrorism, Separatism and Extremism, and to establish a regional anti-terrorist structure with headquarters in Bishkek.

24. The United States-Russian Working Group on Afghanistan, chaired by United States Deputy Secretary of State Richard Armitage, which met in Washington, D.C., on 24 and 25 May, agreed that the situation in Afghanistan, and especially the Taliban support for terrorism, continued to be a threat to the interests of both countries, as well as to regional and international stability, that only a political solution could lead to peace in Afghanistan and that it would support further steps to develop an effective monitoring mechanism for United Nations sanctions.

25. At their summit meeting held in Genoa in July 2001, the leaders of the Group of Eight major industrialized countries reiterated their concern over the growing terrorist threat originating from Afghanistan, urged the Taliban to comply with Security Council resolutions 1267 (1999) and 1333 (2000) and expressed support for United Nations and other efforts to advance a peace process through political negotiations between Afghan parties or through a mechanism such as a Loya Jirga.

26. Following a briefing by the Under-Secretary-General for Humanitarian Affairs, who introduced a report of the Secretary-General on the humanitarian implications of the measures imposed through Security Council resolutions 1267 (1999) and 1333 (2000), the Council members discussed the report. In a press statement on Afghanistan issued by the then President of the Security Council, Wang Yingfan of China, the Council members noted the conclusions and recommendations contained in the report, including the fact that the sanctions have a limited impact on the humanitarian situation, and that persistent conflict is the main cause which led to the deterioration of the humanitarian situation. They further noted that the humanitarian exemptions mechanism of the sanctions regime operated smoothly in general and expressed appreciation for the further efforts by the Sanctions Committee to make the mechanism more effective. The Council members expressed concern about the deterioration of the humanitarian situation, appealed to the international community to continue to make generous contributions, and emphasized the need to ensure the security and safety of humanitarian personnel and smooth operation of humanitarian activities.

27. The Security Council on 30 July unanimously approved resolution 1363 (2001), in which it requested the Secretary-General to establish within 30 days a mechanism for a period running concurrently with the application of the measures imposed under resolution 1333 (2000):

(a) To monitor the implementation of the measures imposed by resolutions 1267 (1999) and 1333 (2000);

(b) To offer assistance to States bordering the territory of Afghanistan under Taliban control and other States, as appropriate, to increase their capacity regarding the implementation of the measures imposed by resolutions 1267 (1999) and 1333 (2000);

(c) To collate, assess, verify wherever possible, report and make recommendations on information regarding violations of the measures imposed by resolutions 1267 (1999) and 1333 (2000).

The monitoring mechanism would comprise:

(a) A New York-based Monitoring Group composed of up to five experts, including a Chairman, to monitor the implementation of all the measures imposed under resolutions 1267 (1999) and 1333 (2000), including in the field of arms embargoes, counter-terrorism and related legislation and, in view of the link to the purchase of arms and financing of terrorism, money laundering, financial transactions and drug trafficking;

(b) A Sanctions Enforcement Support Team, under the coordination of the Monitoring Group, comprising up to 15 members with expertise in areas such as: customs, border security and counter-terrorism, to be located in those States referred to in paragraph 2 of the resolution (bordering the territory of Afghanistan under Taliban control), in full consultation and in close cooperation with those States.

I. Military situation

28. While continuous fighting took place throughout Afghanistan since the beginning of 2001, there has been a marked increase in hostilities since the beginning of May, with both warring factions continuing to reinforce the main confrontation line in the Takhar province of which Taloqan is the capital. In early May, fighting broke out in the Farkhar Gorge east of Taloqan, with Taliban forces launching at the beginning of June a major offensive on the Chal district and in the Gorge. The United Front on its part launched an unsuccessful attack late June from Khwaja Ghar towards Taloqan. The fighting subsided during the first two weeks of July (except for continued exchange of heavy fire) allowing both sides time for regrouping and reinforcement. Fighting resumed south of Taloqan on 19 July, but its intensity declined after two days. Although there had been some minor changes in the territory controlled by the two sides along the confrontation line, no significant gains have been achieved by either side to date.

29. Major fighting is expected south and north of Taloqan and even to intensify, both sides having deployed a large number of troops along the northern part of the confrontation line. The Taliban is expected to continue attacking along the northern part of the line, with the aim of cutting the United Front supply road which runs from the ferry on the Tajik-Afghan border, north of Dasht-i-Qala, in order to take the Farkhar Gorge which is the key to Badakhshan province where the United Front has its capital. The United Front is expected to concentrate its forces to defend the Gorge, as well as Khwaja Ghar and Dasht-i-Qala, and to attempt the recapture of Taloqan. There has also been ongoing exchange of fire between Taliban and United Front fighters on the islands on the Amu Darya near Emam-e Saheb, where some 10,000 displaced persons, including United Front fighters, are concentrated along the Tajikistan border.

30. Forces under General Dostom, who reportedly returned to Afghanistan in April, are based in Sar-e Pul province. After launching an unsuccessful attack in Balkh province, they have concentrated their military activities in the provinces of Badghis and Faryab without any gains. The former Governor of Herat, Ismail Khan, reportedly arrived in Ghor province in May and has effectively strengthened his position in that province, cutting off the roads to Chaghcharan.

31. The forces of the Hezb-e Wahdat leader, Karim Khalili, have remained active in Bamyan province. They have repeatedly captured and lost Yakawlang which, after being devastated by the Taliban, was recaptured by and remains under Hezb-e Wahdat control since 11 June. The Taliban reportedly has taken up positions east of Bamyan city.

III. Serious violations of human rights and breaches of international humanitarian law

32. In his fifth report to the Commission on Human Rights, the Special Rapporteur, having noted that the spokesman for the Secretary-General referred to numerous reports of widespread summary execution by the Taliban of civilians in Yakawlang district of the Bamyan province, mostly in villages around Nayak (the estimates range from 100 to several hundred), as well as mass arrests, had drawn attention to those reports. The Secretary-General, on 19 January 2001, issued a statement expressing concern about "numerous terrible reports" that civilians were deliberately targeted and killed in Yakawlang and calling upon the Taliban to take "immediate steps to control its forces", adding that the reports required "prompt investigation" and that those responsible should "be brought to justice". The United Nations High Commissioner for Human Rights, in her statement published on 16 February 2001, called for an international investigation

into massacres and other serious abuses committed by warring parties in Afghanistan, including the reported summary executions in Yakawlang.

33. The Special Rapporteur, on receiving these reports, made an emergency visit to Pakistan in March 2001 and was able to collect reliable evidence of summary executions and massacres carried out in January 2001 in Yakawlang, which substantially confirmed the reports contained in the Human Rights Watch report published on 19 February 2001. An addendum to the fifth report was presented, in which attention was drawn to reports that search parties had been organized to round up male civilians in house-to-house searches between 8 to 12 January 2001, after the Taliban forces reached the district centre of Nayak in the morning of 8 January 2001. Those rounded up were detained and many of them reportedly executed. A number of execution sites and sites of mass graves had also been identified, as had some of the commanders involved in the Yakawlang operation.

34. The fifth report had reflected widespread concern about the fact that, in recent years, the continued conflict and the taking and retaking of particular areas by warring parties had resulted in civilian massacres involving "reprisal" killings and summary executions. The recurrent pattern of massacres re .rred to in paragraph 2 above warranted the taking of effective measures by the international community to prevent them. It was felt that the impunity hitherto enjoyed by those responsible for ordering and carrying out the massacres had contributed to the callous disregard for international humanitarian law and serious violations of human rights. In order to deter and prevent such atrocities, it was stressed that an international initiative was needed to document and denounce these occurrences, to take effective measures to prevent arms supplies and external financial support, including linkages to drug warlords and to expose and hold to account those responsible for war crimes, breaches of international humanitarian law and gross violations of human rights. The need was underlined for international cooperation to deny impunity and enforce accountability by developing mechanisms to undertake full investigations to gather evidence and to identify those responsible so that they may be brought to justice.

35. On the specific premise that there was enough material available to carry out a more thorough investigation into the Yakawlang massacre, it was recommended that an investigation be undertaken promptly to establish the exact circumstances in which civilians were detained and executed, as well as to identify those responsible. The possibility was also noted of investigators being able to gather substantial evidence from eyewitnesses and through visits to sites of execution and mass graves.

36. Follow-up investigations undertaken subsequently under the mandate of the Special Rapporteur have not only confirmed the reports from Human Rights Watch and other reliable sources, including eyewitnesses, but yielded evidence with regard to further atrocities, in many respects similar in nature to those of January 2001, carried out when the Taliban retook Yakawlang in May and June 2001. Those investigations have made it possible for a more detailed account of the massacres in Yakawlang in January 2001 and of summary executions and devastation caused by burning and looting in May and June, to be presented in the present report.

Yakawlang massacre, January 2001

37. Yakawlang, which was held by the Taliban forces, was retaken by Hezb-e Wahdat forces led by Karim Khalili of the United Front in late December 2000. The Taliban forces launched an operation to recapture Yakawlang on Sunday, 7 January 2001. They initially assembled forces in the centre of Bamyan, and then, unopposed, moved them by land to Ferooz Bahar. On 6 January, people in Yakawlang heard helicopters landing in Ferooz Bahar. Taliban forces attacked Khotal Suhaq in the night between 6 and 7 January and, after they overran the defences, advanced towards Nayak. On 7 January, Khalili withdrew all his forces from Nayak. The Taliban entered the city at around 1600 hours on 7 January 2001.

38. There was little movement of population in the face of the Taliban attack, partly because there was little warning and partly because people had hoped that they would not be targets of violence. Furthermore, it was mid-winter and snowfalls had blocked off the roads.

39. After taking over Nayak, the Taliban commanders established themselves in the main public buildings in the district centre and sent out search parties in a radius of approximately ten kilometres from the district centre. The search parties covered villages in the central Nayak valley and Darra Ali. Over the next three

days (Monday to Wednesday), the search parties rounded up male civilians and brought them back to the centre of the district where, under the supervision of the Taliban commanders they were sorted into young and old. The old were detained from one to two days; the young were sentenced to death by firing squad.

40. The two main places where the detainees were shot by firing squad were in central Nayak and outside Qala Arbab Hassan on the western approaches of Nayak.

41. In addition to men who were rounded up by the Taliban and brought to the centre, at least one group of civilians (from Kata Khana and Bidmushkin) voluntarily approached the Taliban in Nayak wanting to negotiate security for their villages. Some of them, too, ended up before the firing squad.

42. Taliban troops conducting search and round-up operations inflicted numerous beatings and killed several other civilians near their homes, that is to say, before reaching the firing squad. Some of the testimony received indicates that some of the victims were tortured prior to execution, particularly through bayoneting and mutilation by knives. There is at least one case of mutilation of a body of a firing squad victim by skinning.

43. The Taliban instructed the older men who had been spared the firing squad to assist in the loading of bodies onto trucks for disposal. The Taliban instructed these men to pile the bodies like wood stacks ("kode"). The main stacks of bodies were constructed outside Qala Arbab Hassan Khan. Smaller piles were also reported in central Nayak. The bodies were displayed in these stacks for about three days.

44. Most of the killing at this stage seems to have been indiscriminate, in the sense that all adult males in areas searched were rounded up and taken for execution. Even prominent local figures who had cooperated with the Taliban previously and assumed that this would have guaranteed their protection were killed during these three days. Taliban supporters killed in this way included Karaman, who had been underground during the Khalili occupation of Yakawlang and Chaman Zohar, the treasurer of Sufi Ghardezi, and the sons of Ahmad Harbab. Karaman was a senior Hazara military commander with the Taliban; he commanded troops for the Taliban in the battle for Bamyan and Shamali in 1999 and was the last defender of Yakawlang on 28 December 2000. He, along with Sutani and eight soldiers, were sheltered for two days in Darra Ali after Khalili's capture of Yakawlang. He was shot dead on Tuesday, 9 January, while walking from Surbolak to Darra Ali.

45. While some of the victims were combatants, the evidence overwhelmingly suggests that the target of the attacks was the civilian population.

46. The evidence indicates that the killings carried out in January can be broadly classified into the following four categories:

(a) Mass arrests of civilian males, followed by execution by firing squad;

(b) Wayside killings, in which (smaller) groups of people were arrested or stopped and killed close to where they had been stopped;

(c) Killings during search operations, in which individuals, generally arrested in their homes, were targeted for immediate execution;

(d) Torture and killing of targeted combatant prisoners.

(a) Mass arrests of civilian males followed by execution by firing squad

47. The majority of the victims, over 100, fall into this category. The victims include around 50 men from Darra Ali, executed by firing squad at Qala Mohammad Hassan Khan on 8 January, after having been arrested the same day and put through a screening process (with the aim of separating certain elderly and disabled men from the majority) at the Taliban operational headquarters in central Nayak; 11 from Mindayak executed by firing squad at the same execution site on 8 January, after being arrested on the same day; 22 from Kata Khana arrested the previous night; 10 of a group of elders at Kata Khana who were trying to surrender to the Taliban, arrested on 8 January and executed by firing squad in central Nayak following a screening carried out at the operational headquarters in central Nayak; about 13 of a group of elders from Bedmushkin who, like the elders from Kata Khana, were approaching the Taliban authorities to pledge allegiance, and who were executed on 8 January after being screened at the operational headquarters, and three others from Bedmushkin who were killed by a firing squad near the Qurghan crossroad. Some others from Akhundan, Kata Khana and Kushkak are also reported to be among the victims of summary

execution. The screening was conducted by the Taliban operational command and, in some cases, there was participation of non-Afghan members of the Taliban forces. Some of the executions by firing squad were also supervised by the Taliban operational command.

(b) Wayside killings

48. Some 17 civilian men were victims of on-the-spot wayside killings: three shopkeepers from Behsud, nine from Mindayak, two from Kotal Surhak and four at the foot of Sarbolagh hill.

(c) Killing during search operations

49. In seven incidents, 11 civilian persons were victims of summary execution, in some cases combined with torture and beating before execution, in the course of search operations. One victim is reported to have been beaten to death and another burnt alive.

(d) Torture and killing of targeted combatant prisoners

50. The evidence indicates that at least three members of the United Front forces were tortured and killed while detained by Taliban authorities. United Front commander Ustad Faqoor and his bodyguard were bound and tortured before being killed on 6 or 7 January, and Dagerwal Hayatollah was captured and tortured before being summarily executed on 22 January.

51. In addition to the above total of 130 killed, there are reports of an additional number of around 50 persons who were killed between 7 and 22 January 2001. Most of the killings took place on 8 January and some executions were carried out on 22 January, although it is reported that, on 10 January an amnesty had been announced and that a senior Taliban commander had announced that he had originally been authorized to carry out the executions over a seven-day period, but that this had subsequently been reduced by four days.

Mode of carrying out searches and summary executions

52. Successive groups of Taliban forces took part in the search operations. It is reported that, while the object of the searches was to look for men and weapons, the groups entered homes, where women and children were terrorized and in many cases food stocks and valuables were looted. There are also reports of these groups breaking into locked empty houses to loot the contents. A number of reports indicate that there were non-Afghan persons, in addition to Pashtuns and Tajiks, in these groups. Certain reports indicate that the population of Yakawlang was predominantly Shia, and that some of those conducting the searches described Shias as non-believers and infidels.

53. The looting was done on a large enough scale for it to have been visible to the public. Evidence of the scale and method of execution suggests that it could not have been done without the knowledge of the Taliban commanders. There is evidence of the violence and brutality used while searches were conducted, in particular, in the roadside or search killings. Some of the examples include a person being beaten to death in Kata Khana, another being burnt to death in Bedmushkin and others being stabbed with bayonets, as well as mutilation and at least one case of a boy in Bedmushkin being skinned. Torture of prisoners who were arrested included beatings with rifle butts and whipping with lengths of electric cable, as well as forcing them to stand barefoot in the snow for protracted periods.

Killings and other abuses against civilians in Yakawlang in May and June 2001

54. Yakawlang was reoccupied by Taliban forces between 5 May and 3 June 2001. Over this four-week period, Taliban patrols were sent through central and lower Yakawlang, penetrating as far as Daga. Reports indicate that some 30 civilians were killed during that period, including five persons from Shorshurey, five from Dahen Kanak, three from Nytaq and three from Tang Sapidak, as well as others from Gardan Andba, Sange Safedak, Khushdarra and Ghoor Shorea.

55. Following the loss of the district, the Taliban launched air raids from Kabul, bombing the district centre in Nayak. On 9 June, the Taliban force, led by commander Dadullah, led a column of 150 to 200 pickups with a force comprising mainly non-Afghan personnel. While advancing towards Nayak, they targeted civilian property, burning bazaars and roadside houses in the three western parts of Bamyan district, namely, Shahigan, Shibatoo and Kharghanatoo. The Hezb-e Wahdat (United Front) forces had again withdrawn, offering little resistance, enabling the Taliban forces to enter Nayak town, where they engaged in large-scale destruction, burning down much

of the town, including 800 shops in the old and new bazaars, a high school, a hospital and a mosque; they reportedly looted houses before burning them. They also raided and burnt other villages: reportedly, up to 500 houses were burnt in the Darra Ali valley and in the villages of Tajikan, Dahani Khanak, and Zareen. These operations were reportedly supported by aerial bombardment and use of helicopter gunships, which targeted civilian populations which had sought refuge in the highland pastures. There were also tanks positioned on high ground at Hauz Shah, from where they engaged in long-distance bombardment of civilians in the summer pastures at the foothills of Qoibaba, around Siabumak and Sulimani. There are also reports of arbitrary detention and summary execution of civilians from the areas through which the Taliban forces advanced towards Nayak. Preliminary reports which require further investigation indicate that 60 persons were brought for execution to central Bamyan; some 50 were rounded up and taken from Shah-e Dan; and around 42 were taken from Shibatoo to Khourghanatoo and from Band-e Amir, Sar-e Qol and Dahani Khanak.

56. Evidence indicates that the abuses committed against civilians outlined in the present report were widespread and systematic. Their nature and modus operandi, together with the overall structure and operation of Taliban military authority, indicate the need for investigation into the role and responsibility of those at the highest levels of command.

The crisis of impunity

57. The most recent massacres in Yakawlang compel urgent attention to be directed to the taking of effective measures to deter and prevent such occurrences. The continued armed conflict, sustained by external military and material support to Afghan parties, is marked by a recurrent pattern of massacres which constitute gross human rights violations and breaches of international humanitarian law, in some cases amounting to crimes against humanity. Earlier reports had focused on how the warring parties repeatedly committed serious violations of human rights and humanitarian law, including large-scale killing of civilians, summary execution of prisoners, aerial bombardment of civilian targets, indiscriminate bombing, rocket and other artillery attacks on areas populated by civilians, rape and torture, burning of houses, looting and destruction of sources of livelihood and property which, in a number of cases, reflect an intention to impose collective punishment.

58. In the recent Human Rights Watch report on Afghanistan (July 2001), appropriately entitled "Crisis of Impunity", the view is expressed that the international community has failed to hold Afghanistan's warring factions accountable for violations of international human rights and humanitarian law, and that international indifference exemplified by the continued supply of military assistance by Governments that have pledged otherwise, has helped to foster a culture of impunity in Afghanistan that makes continued violations all but inevitable. The report provides an informative review of human rights violations committed by the various parties in the territories under their control over the years and also of the external support extended to those parties.

59. Specific recommendations on human rights and the crisis of impunity made in that report and which may readily be endorsed are set out below:

(a) All parties to the conflict should reaffirm their public commitment to abide by international human rights and humanitarian law guaranteeing the protection of civilians and undertake to investigate and prosecute military personnel responsible for violations;

(b) The Security Council, together with the Secretary-General and High Commissioner for Human Rights should press for prompt and thorough investigation of alleged violations of international human rights and humanitarian law, including cases of extrajudicial execution of civilians, such as the recent massacre in Yakawlang. Further investigations under the mandate of the Special Rapporteur have yielded substantial evidence, a summary of which is presented in the present report, confirming that a complete and comprehensive investigation is not only feasible, but essential to preserve evidence and provide a basis for enforcing accountability by bringing to justice those responsible for committing serious violations of international human rights and humanitarian law. Ending the abuses requires ending impunity. The United Nations and Member States should do everything in their power to see that abuses are investigated and perpetrators brought to justice;

(c) The Security Council should make respect for human rights and meaningful protection of civilians a priority in all of its efforts on Afghanistan. Such

measures should not await further progress on a political settlement of the conflict;

(d) A comprehensive arms embargo with appropriate monitoring should be enforced; pending this, States providing military support to the warring parties should stop doing so or stop permitting transhipment of military supplies to them.

IV. Deepening humanitarian crisis, deprivation of economic and social rights and need for increased humanitarian assistance

60. The humanitarian situation in Afghanistan has been marked by further deterioration and has been characterized as increasingly alarming as a result of the accumulated effects of war, human rights abuses and the worst drought in living memory. The effects of drought and fighting in some areas of the country are so intertwined that it is virtually impossible to single out which is the main motivating factor for displacement. The view has been expressed that the displaced are extremely vulnerable Afghans in need of protection and assistance who will not be able to return to their homes unless security as well as access to — at the very least — food and potable water improves.

Internal displacement

61. World Food Programme estimates that over one million people will face an unbridgeable food security gap before the next harvest, that is, in the period from June to September, is being confirmed by the situation on the ground. Famine conditions have been reported in several districts in the western region. Six camps for displaced persons in Herat now hold over 150,000 persons, with approximately 120,000 in Maslakh, the largest camp. In the north, thousands of internally displaced people are in camps in the province of Kunduz, where displacement owing to conflict has reached alarming proportions. Entire communities have left areas affected by war and settled in Kunduz and Baghlan. Thousands of families left their homes in Badakhshan and Takhar and are faced with problems of finding food and water. Internally displaced persons camps lack sanitation and an overwhelming stench of rubbish and human excrement fills the air and makes the sites potential breeding grounds for disease. There have been reports of cholera outbreaks in a district in Balkh. Afghans from the worst drought-affected northern provinces of Jowzjan, Sar-e Pol and Faryab, have moved to Balkh, with the province now embracing the largest number of displaced people in the northern region, where more than 200,000 people have been displaced. People who left drought-hit areas to settle in makeshift camps across Balkh face the same problem of lack of food and water from which they were seeking to escape. Few internally displaced persons have managed to find work and most are reduced to begging in the local markets. Cases of severe malnutrition have been reported.

62. In the southern provinces, some 90 per cent of the farmers who are already displaced have been forced to move again as a result of continuing scarcity of water. Such scarcity means that some 23,000 displaced families, mainly Kuchi nomadic shepherds, have been unable to return to traditional grazing lands.

63. Population movements among Afghans are at crisis levels. Current estimates are that over 800,000 Afghans have in recent times become internally displaced persons. A further 350,000 have crossed into neighbouring countries. Increased humanitarian assistance is needed in support of the United Nations programme to strengthen protection and assistance in all areas of Afghanistan, with emphasis on assistance for people in situ, in order to avoid further involuntary displacement.

64. Between the war and the ongoing drought, the Afghan economy is at a low ebb. The economy has collapsed and there has been a decline of up to 60 per cent in the purchasing power of casual wage labour in urban centres. The depreciation of the local currency continues. The ban on opium poppy cultivation, a measure taken by the Taliban authorities and successfully enforced, has meant that those previously engaged in this activity are faced with destitution, unless alternative employment opportunities are created for them. It is ironic that, while humanitarian needs are becoming more acute and urgent, the authorities in control of different areas do little to help the people in those areas to improve their survival capability and meet their subsistence needs. Scarce resources are misdirected to wage war to maintain military forces that engage in operations which violate the human rights of innocent people striving for survival.

Refugees

65. The flow of new refugees in the order of around 150,000 to Pakistan and 200,000 to the Islamic Republic of Iran had encountered resistance in both countries to accepting this additional burden, given the fact that each of them had existing refugee populations of around 2 million, many of whom had been there for over two decades. Refugees in both these host countries manifesting symptoms of fatigue were facing actions which led to further deprivation of their rights. In the Islamic Republic of Iran, thousands of Afghans were forced out of work, owing to a new fine imposed on Iranians who employed them. Under the new law introduced in June 2001, the employer must pay the Government the equivalent of 25 dollars for each Afghan worker. The police were also directed to take action against employers found hiring "illegal residents" and to start rounding up and deporting "illegal foreign migrants". In Pakistan, some 120,000 refugees who were resident in the Nasir Bagh refugee camp in Peshawar were facing a possible threat of eviction. Both the Islamic Republic of Iran and Pakistan have been stepping up efforts to impede the inflow of refugees and indeed to exert pressure in various forms for their return. It is noteworthy that recent Office of the United Nations High Commissioner for Refugees (UNHCR) statistics showed that, in the first five months of 2001, the largest group of people applying for asylum were Afghans, reflected in nearly 20,000 applications in 27 European countries.

66. On 2 August 2001, Pakistan and UNHCR concluded an important screening agreement which would allow thousands of Afghans to be given temporary protection by Pakistan. The 20-day process of pre-screening was to be carried out in the Nasir Bagh camp in Peshawar and in the nearby makeshift Jalozai refugee camp. Some 30 screening teams were to interview heads of households and register them by gathering basic information. With a total of 138,000 refugees residing in the two camps, teams consisting of two persons, one representing the Government of Pakistan and the other, UNHCR, were to conduct interviews assisted by an interpreter. It was intended that the number of teams would be increased to 55 by the end of August. UNHCR has indicated that each family opting to go home will be given US$ 100 in cash and 150 kilograms of wheat flour to help with resettlement.

67. The annual report of the United Nations Resident Coordinator for 2000, presented in May 2001 records that "the war continues to be the most significant factor undermining the enjoyment of rights in Afghanistan. Each day, the right to life is an issue for Afghans in frontline communities subjected to indiscriminate bombing and indiscriminate use of landmines. There are also regular reports of the deliberate destruction of homes and assets, including water systems, food and animals essential for survival. Summary executions and arbitrary detention are a known feature of the Afghan conflict; such violations have not abated in recent times". The report further notes that "away from the frontlines, Afghans suffer such an incredible human rights deficit, including in terms of such fundamentals as the right to food, shelter and health, that the right to life is continually under threat for a significant portion of the vulnerable population. The drought, crippling poverty and the restrictions imposed by the Taliban authorities on the right of women to work outside the home give cause for additional concern".

68. That report further notes the effect on women of the *firman* (decree of law) issued in the summer of 2000, which restricts the employment of Afghan females in United Nations and non-governmental organization programmes, with the exception of the health sector, which affects several thousand Afghan women. The report indicates that it constitutes a gross violation of the right of Afghan women to work and to an adequate standard of living, as well as a setback in the process of principled engagement between the United Nations and the Taliban authorities. The decree on the employment of Afghan women will considerably reduce the capacity of the assistance community to reach female target groups in Afghanistan.

69. The Principled Common Programme adopted by the assistance community following a principled approach consistent with the Strategic Framework for Afghanistan aimed to address the priority needs required to (a) alleviate human suffering; (b) protect and advance human rights; (c) provide minimum basic social services; (d) build sustainable livelihoods by empowering Afghans; and (e) support the return of refugees.

70. Funding support continues to fall short of the targets, despite commitment from donors to the contrary. In view of the changing and worsening crisis, the assistance community has revised the amount

requested in the 2001 appeal from $229 million to $283 million. The response from donors to date (mid-August 2001) is a little over 40 per cent, or $114 million. The report notes that funding support to enhance the human rights dimension of assistance work has strengthened consultative mechanisms that facilitate dialogue and collaboration on priority human rights concerns within the assistance arena. A number of human rights training and dissemination initiatives are under way and specific measures have been taken to generate greater coherence for the overall approach to human rights in Afghanistan. The strengthening of indigenous capacities in human rights is seen as an important contribution to the achievement of a more just and peaceful future in Afghanistan.

Impact of decrees and policies of the Taliban authorities

71. There continues to be a series of edicts, policy directives and actions of the Taliban authorities which have negative implications for human rights. Certain actions taken by the religious police, such as raids on hospitals reflect a more harsh and hardened approach being adopted by them in their operations. A hospital recently opened in Kabul by an Italian non-governmental organization closed on 18 May after a raid in which several staff members were beaten by the religious police, following an allegation that male and female staff were eating together in the canteen, which was denied by the hospital authorities. In June, there was a report of the religious police raiding the Central Hospital in Herat on the allegation that staff members were not conforming to requirements relating to haircuts. The Taliban Governor, on receiving a complaint about this raid, had censured the persons involved. The United Nations Coordinator reported increased interference by Taliban officials in the work of United Nations personnel, indicating that some United Nations staff had been arrested and even physically abused by the Taliban. There have also been reports of increased hostility towards non-governmental organizations and humanitarian agencies, manifested in efforts by the religious police to extend behavioural and dress codes imposed on the population to humanitarian agencies. The Information Ministry announcement indicated that foreigners, including aid workers, must sign a contract agreeing to abide by Taliban rules before they can be issued a work visa, which would substantially subject them to Islamic laws applying to Afghans and expose them to similar corporal and capital punishment. The action to prevent employment of women in the conduct of a survey of beneficiaries in connection with the bakeries run by the World Food Programme had threatened to close down 130 bakeries that feed 280,000 people. The situation was resolved by the authorities agreeing to allow women hired by the Taliban Health Ministry to be engaged for conducting the survey.

72. The arrest in August 2001 of employees of the non-governmental organization Shelter Now International, on the allegation that its personnel were involved in proselytizing Muslims, has caused widespread concern regarding the personal safety of aid workers, and may have a serious effect on humanitarian assistance so desperately needed within Afghanistan. The report of the Secretary-General (A/55/1028-S/2001/789), dated 17 August 2001, has drawn attention to this problem in paragraph 44, as follows:

> "Arrests of national humanitarian staff by Taliban forces have increased. United Nations staff and aid project managers have frequently been subjected to coercion and abusive behaviour by the Taliban authorities. As a consequence of those restrictive measures and actions, aid organizations have found it increasingly difficult to reach populations in need, in particular women. It is imperative that the Taliban cease the harassment of humanitarian workers and make a firm commitment to the humanitarian operational requirements".

In the report (para. 45), it is also observed that

> "In the sphere of human rights, there has been no improvement in the policies, practices and circumstances that undermine the ability of Afghans to enjoy their most fundamental rights. As noted in previous reports, the combination of war, weak and unrepresentative governance mechanisms and widespread and deep-rooted poverty coupled with the drought and profound underdevelopment is a deadly mixture for a growing number of Afghans. More and more Afghans are on the move as they seek safety and survival elsewhere, including in neighbouring countries and beyond".

V. Concluding observations

73. There has been a heightening of interest in developments in Afghanistan as the humanitarian crisis continues to deepen. The new flows of refugees into Pakistan and the Islamic Republic of Iran and the massive internal displacement not only call for increased protection and assistance but underscore the need for adopting a comprehensive approach to arrive at a settlement which would address the root causes.

74. In view of the recurrent massacres exemplified by those in Yakawlang referred to above, specific measures need to be considered to address the climate of impunity which has allowed massacres and other human rights violations to occur repeatedly, despite the consistent directives of the Security Council and appeals of the international community to the warring parties to refrain from committing such gross violations of human rights and breaches of international humanitarian law.

75. Putting an end to the conflict is imperative in order to pave the way for resolving the crisis. Clearly, a comprehensive approach which addresses the Afghan crisis as a whole in its political, military, humanitarian and human rights dimensions is called for. This approach would recognize that, in the prevailing situation, the Afghan people are being denied the exercise of their right to determine their own future. Continuing external foreign interference lies at the root of the prolongation of the conflict. It must therefore be a key element of a durable settlement that all segments of the Afghan people should be able to exercise their right to freely decide their form of government through an internationally acceptable mechanism. It is only through a process which provides such a mechanism that the crisis of legitimacy which has affected prevailing dispensations can be resolved.

76. The emergence of a truly representative, broad-based, multi-ethnic government through a process which will enable the Afghan people to exercise freely their choice could bring about enduring peace. It would, of course, be expected of the government which would emerge in Afghanistan through this process that it would solemnly undertake to respect its obligations under the Charter of the United Nations and international human rights instruments to which Afghanistan is a party. The incentive that could encourage all segments of the Afghan population to cooperate with the international community would be the prospect of significant international support for a national plan for rehabilitation and reconstruction which would enable the millions of refugees and the internally displaced persons to return to their homes and allow all Afghans to rebuild their lives in a unified Afghanistan where their security from external interference and non-intervention would be internationally guaranteed.